

June 6 2013

Lois Morin
Administrator
Hamilton Police Services Board
155 King William Street Box 1060,
LCD1 Hamilton, Ontario,
Canada
L8N 4C1

Dear Ms. Morin:

On behalf of the Hamilton 350 Committee, and, in accordance with Section V of the Police Services Act of Ontario, I am submitting a complaint about a policy of the Hamilton Police Services Board. The policy about which I am complaining is the acceptance by your board of gifts from private individuals and corporations. Specifically, I wish to register an objection to the acceptance by the HPSB of a donation of \$34,910.00 from Enbridge Inc.

According to page 2 of your public minutes (of March 19, 2013) of the Board meeting of March 18, 2013, Ken Hall, senior advisor of Enbridge, donated a cheque in the amount above to Nancy DiGregorio, Board Chair, Glenn DeCaire, Police Chief, and Staff Sergeant David Hennick for the purchase of two all-terrain vehicles and related safety equipment.

While we don't dispute the advisability of the HPS having such equipment at its disposal, we do object to the Board accepting the money to purchase it from Enbridge Inc. As you are no doubt aware, Enbridge is a very controversial player in the energy sector because of its reckless plan to reverse the flow of crude oil in its Line 9 pipeline from Sarnia to Montreal, to increase the volume of that flow by 25%, to ship Tar Sands diluted bitumen through the 40-year-old pipeline in an unrefined state at a greater temperature and pressure for which the antiquated pipe was designed, and to mix the dilbit with toxic solvents to make the product more viscous.

The existing Line 9 steel pipe originally was one-quarter of an inch thick (four decades ago) and thirty inches in diameter. State of the art steel pipe today is three-quarters of an inch thick, coated against corrosion on the outside and against abrasion on the inside. Such a reckless plan to ship dilbit past every river and stream in Southern Ontario, which flow into Lakes Erie and Ontario, would have been stopped by a federal environmental assessment. And that is why the Harper government of Canada eliminated the environmental assessment of this and another 3000 such projects across Canada. Harper's Omnibus Bills also eliminated oversight of such projects, at the request of the corporations in the energy sector, such as Enbridge, on the part of the Department of Fisheries and other federal departments.

I should also like to remind the Board that Enbridge was the company responsible for some 800 oil spills in the last decade and most notably for the enormous pipeline rupture in Kalamazoo, Michigan, which has so far cost nearly a billion dollars in remediation with no end date in sight. Finally, I should like to point out that Enbridge's reckless plan to ship Tar Sands dilbit through Hamilton also has an enormous impact on global climate change: the Athabaska Tar Sands is the single greatest producer of greenhouse gas in the world and produces the dirtiest crude oil in the world at the highest production cost, with little benefit for, but rather at great risk to, Canadians and rather a great deal of profit for foreign corporations. In fact, Tar

Sands crude is not even consumed by Canadians. Instead, it is produced solely for export.

There is a fundamental question of principle (or lack of it) involved in your decision to accept a gift of money from this corporation. And that question of principle is the public perception of favouritism on the part of the HPS on behalf of a private corporation. If there were a standoff between, on the one side, environmentalists and/or native people (who claim the spot at which the Grand River is crossed by this pipeline) and, on the other side, Enbridge Inc., would officers of the HPS be able to be truly impartial? Or would they lean to supporting the private interests of Enbridge Inc., due to the \$35,000 gift? In the eyes of the taxpayers who pay for the HPS operation to the tune of \$139,000,000 a year, it seems to me that there would be the suspicion that it was not the public who was being served, but rather the huge corporation. And it would be especially difficult for the officers assigned to the proposed new ATV unit to remain impartial while they are using the equipment provided by Enbridge Inc.

A further question: is it possible that, in accepting the gift of all-terrain vehicles from Enbridge Inc., the Hamilton Police Service Board tacitly agreed to use these vehicles to patrol the very pipelines owned and operated by Enbridge Inc.? If there is no such implicit or explicit agreement, would you please make a public declaration to that effect?

Justice is supposed to be blind and the police are supposed to treat everyone fairly and equally. It is difficult, then, to understand how accepting donations from private individuals and corporations could not contribute to undermining the principle of fairness and equality before the law. In particular, I wish to draw the attention of the HPSB to the wording of the Police Services Act of Ontario. Under Section 1.2 of the Police Services Act of Ontario (Section 2), one of the duties of a police service is to uphold the Canadian Charter of Rights and Freedoms. Article 15 (1) of the Charter reads:

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

I would suggest that the acceptance of donations from private individuals and corporations undermines the ability of a police service to deliver policing that provides equal protection and equal benefit to all. In fact, the giving of such donations by private individuals and corporations, I would argue, is to curry favour with police and to seek special consideration from police in protecting private property, that ordinary citizens cannot afford to buy individually. The whole concept of private donations flies in the face of the principle of equality before the law and the practice of public subscription (i.e. taxes) to pay for policing.

I would also like to point out that Enbridge's gift of \$35,000 to your board is not the first or only case of your inappropriate acceptance of private donations from that company. You also accepted \$9,500 for mapping and GPS equipment from Enbridge Inc., gifts which, like the all-terrain vehicles, indicate that Enbridge is calculating that the Hamilton Police Service might use to conduct patrols in remote and difficult-to-access areas along its controversial Line 9.

We also note that the private donations made by Enbridge Inc. to your police service are not the sole donations by that corporation to police services and municipalities all along the path of Line 9 across Southern Ontario and Quebec. In fact, Enbridge has gifted as well the

municipalities of Ganonoque, Napanee, Belleville, and many others. We find there is a pattern of influence-peddling by Enbridge Inc. with many of the municipalities along Line 9. This pattern is worrisome for two reasons: first, because it indicates that the corporation is trying quietly to curry favour with these municipalities to offset the loud and growing opposition to Enbridge's proposal to reverse the flow of Line 9 with Tar Sands dilbit; and, secondly, because the corporation's private donations to public bodies such as police services and municipal emergency service departments is a violation, in our view, of the guarantee of the Canadian Charter of Rights and Freedoms to equality before the law.

In conclusion, I am complaining about the implications of your acceptance of a private donation on the principle of equality before the law, a fundamental premise of the Canadian judicial system. Our suggested remedial action is that you return the \$34,910.00 to Enbridge Inc. and refuse all private donations in the future.

Yours truly,

Matt Nash & Patrick Dunlop, on behalf of
Hamilton 350 Committee